

CHAPTER NO. 276

SENATE BILL NO. 1687

By Haynes, Crowe

Substituted for: House Bill No. 141

**By McMillan, Buck, Lois DeBerry, Hargrove, Davidson, Bone, Armstrong, Bowers,
Langster, McDaniel, Russell Johnson, Overbey, McCord, Hagood, Cochran, Eldridge,
Litz, DuBois,
Brenda Turner**

AN ACT to amend Tennessee Code Annotated, Title 27.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 27, Chapter 1, Part 1, is amended by adding the following as a new, appropriately designated section:

Section 27-1-124. Stay of execution - bond required in civil matters.

(a) If a plaintiff in a civil action obtains a judgment under any legal theory, the amount of the appeal bond necessary to stay execution during the course of all appeals or discretionary reviews of that judgment by any appellate court shall be set in accordance with applicable laws or court rules, except that the total appeal bond that is required of all appellants shall not exceed seventy-five million dollars (\$75,000,000) regardless of the value of the judgment.

(b) Notwithstanding subsection (a), if an appellee proves by a preponderance of the evidence that an appellant is dissipating assets outside the ordinary course of business to avoid payment of a judgment, a court may enter orders that:

(1) Are necessary to protect the appellee; and

(2) Require the appellant to post a bond in an amount up to the total value of the judgment.

(c) In the event this act is found to be in conflict with any rules prescribed by the Supreme Court, this act shall apply notwithstanding the provisions of Section 16-3-406.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it and shall apply to all cases pending on or filed on or after that date.

PASSED: May 21, 2003


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 4th day of June 2003


PHIL BREDESEN, GOVERNOR